

## **CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 50-2215.

## **AMENDMENTS**

### **In the Claims:**

Cancel claim 2 without prejudice.

Please amend claims 1 and 3 pursuant to 37 C.F.R. § 1.121(c)(1)(i) as set forth in the "clean" version set forth below. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(1)(ii) is attached hereto as Appendix A.

The optional complete set of "clean" claims pursuant to 37 CFR 1.121(c)(3) is attached hereto as Appendix B.

1. (Amended) An electric device comprising:  
a substrate;  
a lower electrode layer on the substrate and comprising a material capable of reactive-ion etching with a fluorine-based gas which is at least one element selected from the group consisting of Si, Mo, W, B, C, S and Ta; and  
an upper electrode layer on the lower electrode layer and comprising a material capable of reactive-ion etching with a chlorine-based gas, wherein said upper electrode comprises Al.

3. (Amended) An electronic device according to Claim 1, wherein the lower electrode has a thickness of about 0.5 nm to 1000 nm.